

U.S.S.N. 10/607,903

Filed: June 27, 2003

AMENDMENT AND RESPONSE TO OFFICE ACTION

Remarks

Response to Restriction Requirement

In the Office Action mailed, November 14, 2005, the Examiner restriction claims 1-23 into 2 groups. Group I, claims 1-10, is drawn to a bacterial strain, wherein the bacteria express a nuclease gene. Group II, claims 11-23, is drawn to a fermentation process.

In response, Applicants elect Group I, with traverse. The Examiner has noted that Groups I and II are related by product and process of use. However, as noted in MPEP § 806.05(h) (cited by the Examiner), the restriction requirement should have ended with the form paragraph 8.21.04. As noted in this paragraph, “the examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. All claims directed a nonelected process invention must require all the limitations of an allowable product claim for that process invention to be rejoined.” Therefore, Applicant has elected the product claims with the understanding that if a product claim is found allowable, the process claims will be considered for rejoinder.

Claims 1 and 11 have been amended to further define that the bacterial strain produces a fermentation product and is genetically modified to express a heterologous nuclease gene or mutated to improve the activity of a homologous or heterologous nuclease gene, wherein the nuclease gene product is secreted into the periplasmic space or culture medium in an amount effective to degrade at least 95% of all of the nucleic acid released following lysis of the cells in

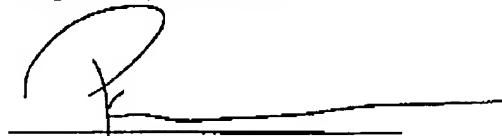
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less than 24 hours and reduce the viscosity of a cell lysate in a bacterial cell culture having a density of at least 50 g/l so that recovery of the product is enhanced. Support for these amendments can be found in claims 8 and 21 as originally filed and at least at page 4, line 25 to page 5, line 8 and page 5, lines 22-24. Claims 13 and 18 have been amended to depend from claim 1. Allowance of claims 1-23 is respectfully solicited.

Respectfully submitted,



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